

Remarks/Arguments

This paper is filed by facsimile on this 8th day of January, 2006. While the subject application has been accorded "special" examination status, undersigned has yet to receive an Office Action responsive to the filing of this RCE application with concurrently-filed Amendment substituting new claims 28-36. New claims 37-42 are below introduced, inclusive of one independent claim. The claim fee is filed also by facsimile being charged to a credit card. The fee is \$100 for one additional independent claim (small entity fee). Total claims remain under twenty.

New independent claim 37, in reciting plural passages in the securement member, plural perimetrically bounded openings in the securement member first and second outer surfaces and self-bias of the tail biasing the securement member into engagement with the tail and joint portability of the securement member and tail, clearly differs from the teachings of the O'Grady patent.

As respects claim 37 and the Ford patent, portions of the claim below emphasized are not disclosed or suggested in the Ford patent.

37. In combination:

(a) a cable tie having a head portion and an elongate tail extending from said head portion, said tail having a self-bias to a planar configuration; and

(b) a securement member having opposed first and second outer surfaces and defining

(1) first and second passages opening into first and second perimetricaly bounded apertures resident in said first and second outer surfaces of said securement member,

(2) a tail support portion between said first and second apertures and constituting a part of each of said first and second outer surfaces of said securement member,

said tail being deformed by said securement member from said planar configuration to have an arcuate portion facing said support portion of said securement member, first and second courses of said tail extending from said tail arcuate portion respectively through said first and second apertures and said first and second passages and rotatable out of said first and second passages, said self-bias of said tail biasing said securement member into engagement with said tail such that said securement member and said tail are attached with one another to be jointly portable.

Referring to Fig. 3 of the Ford patent, but a single bounded aperture is formed in the upper surface of his securement member. Tail support member 36 of Ford is not constituted as a part of each of said first and second outer surfaces of the securement member. As developed in the paper introducing claims 28-36, the Ford tail is not rotatable out of his first and second passages, which are so bounded as to preclude tail rotation out of the passages.

In respect of claim 38, Ford does not disclose or suggest that his securement member "opposed first and second surfaces extend longitudinally beyond said first and second perimetricaly bounded elongate apertures resident in said first and second outer surfaces of said securement member". Referring to Fig. 3, the lower surface of the Ford securement member does not extend longitudinally beyond the lower surface apertures, but ends therewith.

In respect of claim 39, Ford does not disclose or suggest "one of said securement member first and second outer surfaces bearing against said mounting panel rear surface under the influence of said cable tie tail self-bias", as was also developed in the paper introducing claims 28-36.

Nor does the Ford patent disclose, as does claim 40, "wherein said mounting panel opening is perimetricaly bounded by said mounting panel". As is seen in Fig. 1, the Ford mounting opening opens into the face of structure 16, permitting insertion of the securement member into structure 16.

As respects claim 41, Ford fails to disclose or suggest that "said mounting panel rear surface bounding said mounting panel opening is disposed in non-interfering relation with each of said securement member first and second outer surfaces". Ford's

springs 44 are in engagement with walls 18 to retain the securement member in place.

As respects claim 42, Ford's securement member does not disclose or suggest "wherein said securement member first and second outer surfaces are uniformly spaced longitudinally of said securement member". Ford's springs 44 are of lesser thickness than the remainder of his securement member and define the securement member lower surface.

Patentability of all claims is believed to have been established and, as such, it is submitted that this application is now in condition for allowance. Indication to that effect is solicited.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone undersigned counsel for applicant at (212) 682-9640.

Respectfully submitted,


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